

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95734

Akira NISHIYAMA, et al.

Appln. No.: 10/586,337

Group Art Unit: 1633

Confirmation No.: 2433

Examiner: Robert M. Kelly

Filed: July 14, 2006

For: PROCESS FOR PRODUCING OPTICALLY ACTIVE 1-SUBSTITUTED
2-METHYLPYRROLIDINE

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We, Kaneka Corporation of 2-4 Nakanoshima 3-chome, Kita-ku, Osaka-shi, Osaka, 530-8288, Japan, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on July 14, 2006, at REEL 018122, FRAME 0996.

We agree that upon allowance and issuance of the above identified application into a United States Patent, restriction on availability of the following deposit will be irrevocably removed:

pNTS1G of *Escherichia coli* HB101 (pNTS1G)

pNTFPG of *Escherichia coli* HB101 (pNTFPG)

pNTDRG1 of *Escherichia coli* HB101 (pNTDRG1)

pNTRS of *Escherichia coli* HB101 (pNTRS)

pNTRGG1 of *Escherichia coli* HB101 (pNTRGG1)

which are designated in the specification of the above-identified application and were deposited under the terms of the Budapest Treaty at the National Institute of Advanced Industrial Science and Technology, International Patent Organism Depository Center (Tsukuba Central 6, 1-1-1, Higashi Tsukuba, Ibaraki, Japan 305-8566) under FERM BP-5835, FERM BP-7117, FERM BP-08458, FERM BP-08545, and FERM BP-7858, respectively.

We agree that the above-identified deposits designated in the above identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,



Jerriek J. Ho

Registration No. 63,763

On behalf of:

Kaneka Corporation

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23373

CUSTOMER NUMBER

Date: August 23, 2010